

1884-012

Lee Co.

Chancery Causes:

Catherine Ewing vs. Hiram C. Wierman
John W. Johnston vs. Hiram C. Wierman
Adm. of William S. Ely vs. Hiram C. Wierman
Reese D. Flanary vs. Hiram C. Wierman &c

Campbell, Hamblen, Orr, Lane, Pridemore, Bales, Penn, Shultz,
Brown, Dickinson, McClung, Cowan, Rhea, Thomas, Martin,
Cowan & McClung &c], Surgener, Hagan, Bales, Hamblin

CA-Debt

T-Property

-Deed

To the Hon John A Kelley Judge of
the Circuit Court of Lee County Va.
Your Brother George Ewing
respectfully states that at the
November term 1872 of the County
Court of said County a Judgment
was obtained in the name of Robert
M Bots surviving obligee of himself
and Stephen Bots against William
C. Wieman for the sum of \$121.00
with interest thereon from the 22nd
of May 1853 till paid and the costs
which amounted to \$7.58. Subject to
the following credits to wit \$50. paid
Nov 11th 1853. \$3.25 paid — 1865
\$10.25 paid — Decr. 1870 - A transcript
whereof will be filed with this
bill together with a.

Upon this Judgment an execution was
issued and has been returned "no
property". And the same remains wholly
unpaid. - Your Brother states that
the said Wieman owns a valuable
tract of land whereon he resides situated
in said County, and or two years out of
which would be sufficient to pay the
said Judgment. This land however
was deemed to be rented out to pay a debt

due from the said Wieman to Leason
M^{rs} Elmy & Co And at the writing
the said Wieman himself became
the lessee and he with Mrs S Martin
security executed a bond for the entire
amount of the debt due to the said
Leason M^{rs} Elmy & Co
Jame Broth & Co that some one or two
years worth of said land owned by the
said Wieman would be quite sufficient
to satisfy the debt due to the said
firm of Leason M^{rs} Elmy & Co. And she is
advised that she has the right to subject
the said land to the payment of the
said judgment which is a lien thereon,
and any interest which the said Wieman
has therein either as owner in fee after
the expiration of the time for which
it was rented or his interest as lessee
may be equally made liable for
the payment of Jame Broth & Co's judgment.
And to obtain payment of her said
judgment out of said land is the
object of this bill. Her prayer therefore
is that the said Wieman & Wieman
be made a defendant to this bill
and answer as to the allegations.

herein made. And upon a hearing such
relief be granted to your brother & us
to effect the collection of his said
Judgment as may seem to the Court
most with equity and grant general
relief

Walter P. Bidwell

to 7.19 to June 1877.
 at 15.00
 \$ 5.00
 \$ 22.69
 Estimated 8.00
 30.69
 Sold to. 1.80 to June 1879
 " to. 2.92 " Mar 1881.

354

H. P.

Leathrine Curry

P. { Bill of

Hiram C. Wieman

1874 June Bill Filed, Sp. Exacts.
+ Decree nisi.

" July Decree nisi Contd. & Contd.

" Aug det for hearing by Plff.

" Aug Term decree to read & Contd.

" Nov Contd.

1875 Nov. Aug & Nov Contd.

1876 Nov. Aug & Nov Contd.

1877. Contd this year.

1878. Contd " "

1879. Contd " "

1880. Contd " "

1881. Mr. Contd Aug. Contd.

1882 Contd this year

1883. Contd this year.

1884. Mr. Decree final

Chas. 1881. 5.

To the Hon John A Kelly Judge of the
Circuit Court of Lee County-

Your Brother John W Johnston Surviving
Judgment Creditors of himself and Joseph T
Campbell humbly complaining represents
that at the term 1875-76

this Honorable Court a Judgment was
rendered in favor of your brother
and the said Jos. T. Campbell who
has since dec'd against William G
Wieman for the sum of \$100.00
with legal interest thereon from the
13th day of October 1859 till paid
and the costs which amounted to
\$7.00

^{subject to a credit of \$750. paid Jan 26th 1862}
A transcript whereof is herewith
filed marked A. and prayed to be
considered herewith. An execution
was issued on this Judgment and
has been returned no property, and
the same yet remains wholly
unpaid. Your brother states
that the said Wieman owns
land lying in the town and of
said County which are occupied
by him the rents and profits whereof
will pay this Judgment within less
than five years, and to enforce
payment by the renting of said land

Or a Sole thing as may may appear
proper is the object of this Suit.

His prayer is that William L. Wimmer
be made dependent by this bill
and answer the same in costs.

That on a hearing such decree be
rendered as may seem most adopted
to effect the object of this Suit,
and grant general relief.

Very Sincerely yours &c.

Jayam & Richardson

213
Jno W. Johnston Surbr

vs. { Bill

U. C. Worman

Exhibit filed

1877 July, Bill Filed, Sp. Excepts.
+ Decree nisi.

" Aug. Decree nisi Contd. + set
for hearing by Plff.

" Aug. Decree + Contd.

" Nov. Contd.

1878 Mar. Decree + Contd.

" Aug. " "

" Nov. Contd. " "

1879. Mar. Aug. Nov. Contd.

1880. Mar. + Aug. Contd.

1881. Mar. Contd. Aug. Contd.

1884. March Decree final

£ 4.83 £ 3.89
2/15.00 to Mr 1881
5/ .50
\$ 20.33
8.00
\$ 28.23

Chd 187. C

total

Chd 187

To the Honorable John A. Kelly Judge of the circuit Court of Lee County.

Your orator Charles L. Hamblin administrator of the estate of Wm S. Ely deceased, respectfully represents, that at the term of this Honorable Court your orator recovered as admr. as aforesaid a judgement against one Hiram E. Wireman of this County for the sum of \$127.31. with legal interest thereon from the 13th day of November 1859. Upon this judgement an execution issued, and was placed in the hands of Thomas S. Brown deputy sheriff of said County for collection, and was made returnable to the November rules 1873. and was returned by said deputy "no property found" a copy of which said return marked A will be found filed with this bill and is prayed to be considered as part of this pleading. Upon this judgement your orator obtained \$9.60 for his costs, this judgement nor no part thereof has ever been paid to your orator, but same is now wholly due him.

Your orator as administrator as aforesaid also obtained in the County Court of said County a judgement against the said Wireman for the sum of \$70. with legal interest thereon from the 8th day of Nov. 1859. and \$9.60. Cents costs thereon, upon this judgement there also issued a fieri facias, directed &c. and made returnable on the 4th day of August 1873, which was also placed in the hands of the said Thomas S. Brown deputy sheriff as aforesaid, for collection and was returned by him entered no property found

a copy of this said judgment and for there-
marked respectfully B. L. will be found with this
bill and is hoped to be considered as a part
hereof. This said last mentioned judgment now
in force has ever been paid to your
order, but the same is now wholly due him-

Your orator now alleges that the said Wieman is the owner in fee simple, of a valuable tract of land, on which is situated, a good and valuable saw and gristmill, located in this county in the Rose Hill Township some 6 miles East of and on the main road to Cumberland Gap. Your orator alleges that the said Wieman is largely indebted to other persons and that said lands are more likely to be proceeded ~~see~~ against by others in which event they will not in five years by their rents and profits pay your orators claims, and his other indebtedness.

His prayer therefore is that said Siram & Wireman, be made a party defendant to this bill and answer its allegations on oath, and on a hearing a decree be rendered, directing an account of said Wiremans indebtedness, and the value of the warts and profits of his said walt estate per year, and in the event your orators claim can not be paid thereout of in five years then that so much thereof be sold as will pay the same and the costs of this suit - May the Commonwealths Supr. issue &c.

Hagan & Hindman

Colk to Dr. Jan 1874 5.66
\$ 15.80
\$ 5.50

Estimated Cash 5.00
\$ 27.16

Add for Colk
to Jan 1877. 3.03

Add for Colk
to Jan 1879. 1.80
\$ 30.99

Colk 2.92
33.91

HP.
Charles L. Lambdin son

vs Bill chry.

Diram le. Wireman

Exhibit A. B. C.

1873 Nov Bill Filed. Spa Executed
+ Decree nisi.

" Decree nisi Contd. + Contd.

1874 Jan + Feb Continued

" Nov. Set for hearing by Plff.

" March Decree to suit + Contd.

" Aug. + Nov. Contd.

1875 Nov. + Aug. Contd. Nov. Contd.

1876 Contd. this year.

1877. Contd. " "

1878 Contd. " "

1879. Contd. " "

1880. Contd. " "

1881. Nov. Contd. Aug. Contd.

1882 Contd. this year

1883 do do do

1884 March Decree final

32.47

13.1

45.57

To the Honorable John A. Kelly, Judge of the Circuit
Court of Lee County, Virginia:

Your orator Ruel D. Flanary, humbly complaining
shows unto your honor, that on the 31st day of March 1876,
one William C. Wirmann made and executed a deed of Trust
to Wm. A. Orr, Trustee &c, for a certain tract or parcel of land
lying and being in Lee County, Va, properly described and
set out in said Trust deed herewith filed marked "A,"
and which is prayed to be considered herewith. This deed,
as will be seen upon its inspection, was executed to secure
James W. Orr in the payment of two notes: One for
\$77.52, due March 31st 1876, and the other for \$12.63,
due and dated January 19th 1875. It will also be
seen by the assignments endorsed upon said deed
of Trust, that James W. Orr, on the 30th day of June
1877, assigned and transferred the same to one James
B. Ely, without any recourse upon him in law or
equity; and that, on the 3rd of September 1877, the
said James B. Ely assigned said trust deed to your
orator without any recourse upon him in law or
equity. According to the terms of said deed of
Trust, the amounts herein and therein named are
due and payable, and no part of them have been
ever paid to your orator, or to any one authorized

to receive the same. Prior to this conveyance made to Mrs. A. Orr, Trustee &c, ~~the said Martin C.~~ ^{the said Martin C.} ~~Wierman~~ executed four other Bonds of Trust upon the same land - as follows: One was executed to M. B. S. Lane, Trustee, January 20th 1874 to secure said Mrs. S. Martin in the payment of about \$493.65 and the costs of said; one other was executed to A. L. Pridemore, Trustee, on the 20th day of July 1874, to secure "Surgeon and Hagan" in the payment of \$675 - (due by note of said date) together with the costs of said; and one other was executed on the 16th day of November 1874 to M. B. S. Lane, Trustee, to secure the payment of \$455.80 and the costs of said ^{to G. L. Hamblin adms. &c. A. L. Pridemore}; and one other to ~~Patrick Hagan~~ ^{Patrick Hagan}, Trustee, on the 16th day of December 1872 to secure the payment of \$436.05 to Patrick Hagan adms. &c. A copy of which four deeds is filed herewith and marked in the order which they are named (C) (D) (E) (F) and prayed to be taken as a part of this bill. Your orator is informed and believes that a part has been paid upon these four Bonds of Trust; but how much he is not able to state.

Your orator further represents unto your honor

that it will appear by an examination of abstracts
of the judgments Lien docket of Lee County,
Va, filed as part hereof Marked (G) that before the
execution of the Trust deed to Wm. A. Orr, Trustee,
as hereinbefore recited, that, six different judgments
had already been regularly docketed against the
said H. C. Wierman, which are prior liens and
must be paid before your orator's claim.
But your orator has been informed and
believes that a part of each one of these
judgment liens have been paid, yet he
does not know and can not state how
much has been so paid.

These lands are sufficiently described
in the exhibits herewith filed; and are fertile
and valuable — and if unincumbered
would bring about \$2000—. But as it
is your orator's Trustee, W. A. Orr, has
advertised and tried to sell under the deed
in which he is trustee, subject to all
legal and prior liens, and has failed
to get a bid.

Your orator is reminded in the
premises by the strict rules of common law

and relievable alone in a Court of Equity.

The judgment said debtors herein before
referred to as being in exhibit "G" are: John W.
Johnston, R. M. Bates Surv &c for T. C., Leonard, M. C. C. C.
& Co. - Individual names of firm - Perry Dickinson, Lehal. J.
McClung, Frank H. McClung, James D. Cowan, Matthew McClung,
Robert M. Phipps, and Jacob L. Thomas - Merchants & Partners,
T. H. Penn, B. T. Shutz Apts &c and Thomas J.
Brown

The prayer of said orator therefore is
that H. C. Wierman, Wm. T. Orr, Trustee &c, Patrick
Hagan, Trustee &c, M. B. D. Lane, Trustee &c
and A. L. Richmond, Trustee &c, and John W.
Johnston Surv. &c, ^{of himself & J. T. Campbell -} R. M. Bates, Surv. &c for latter named
C. Caring, T. H. Penn, B. T. Shutz Apts &c, Thomas
J. Brown and Leonard, M. C. C. C. & Co. &
and Wm. S. Martin, C. L. Hamblin adm. of the Estate of
Wm. S. Ely, decd., A. R. Sargent, & P. Hagan in his own right
as Com. &c.
be made parties to this bill, and that they
each be required to answer the same
upon their corporal oath; that an
account be taken before one of the
Commissioners of this Court and the
priorities be ascertained; that the land
in this bill mentioned be sold, and the

of the number of which firms are Perry Dickinson, Lehal. J. McClung,
Frank H. McClung, James D. Cowan, Matthew McClung, Robert M.
Phipps, and Jacob L. Thomas, Merchants and Partners doing
business under the firm name and style of Leonard
McClung & Co.

fund arising from such sale be first
applied to payments of costs of this suit
and the expenses of sale, and then applied
to the payments of the liens and debts
which may be ^{judged} ~~adjudged~~ against the same
in this suit, and the remainder if
any to Hiram B. Winward: That all
judgment creditors be compelled to
come into this suit and assert their
claims against said land or be
forever barred from doing so after
a final order has been entered in
this cause: and if in any wise
mistaken in his special prayer
he prays that your honor extend
to him general relief, and as is duty
bound he will ever pray.

May your Honor's writ of Spe. issue &c
William A. Orr
for Plaintiff.

I, William A. Orr, do swear that M. B. D. Lam, ~~John W. Johnston~~

J. H. Penn, B. F. Shutz, Ben Dickinson, Chas. J. McCleung, Frank H.

McCleung, James D. Carwan, Matthew McCleung, Robert M. Pea and
Jacob L. Thomas are now residents of the State of Virginia, according
to my information and belief. So help me God. Given under
my hand this May 27th 1878.

W. A. Orr

Sworn to before me May 27th 1878 R. B. Orr Jr DC

26 10.53
 21 15.00
 28 5.00
 200 5.00
 \$ 35.53
 2 8.00
 543.53
 Estimated 58.00
 \$ 57.53
 Calk & Comm 5.12
 8 1.00

W. A. Orr
 Pierce D. Flanary

vs } Orig. Bill

H. C. Wimmer et al

Exhibits A & B Filed.

1878. July, Bill Filed, & Exacts
on home depts & Decree Mch.

" Aug Decree Mch vs same
Confirmed, C. P. Comptroller

against Non residents & D. N.
" Sept. D. N. Conf & set for
hearing by Plaintiff.

1878 Aug Decree & Compt
" No Child

1879 Mar Decree & Compt

1880 Aug " " "

1881 Mar Contd Aug

1882 continued this year

1883 continued this year

1884 March Decree final

To the Honorable John A. Kelly Judge
of the Circuit Court of Scott County.

in the case of R. G. D. & Co. v. W. C. Wiseman
The petitioner of W. C. Wiseman
who humbly complains sheweth to
your Honor that on the 15th March 1879
there was a report filed by James
M. Orr a commissioner appointed in this
case reported the amount of the liens
existing against said land to be \$2670.⁵⁴
at the time and since the making said
report your petitioner has proceeded
to pay the said liens and upon them
until the liens existing now do not
amount to \$414.⁰⁰ Your petitioner
would further shew your Honor
that the various receipts are not
now here he never having had
counsel in the cause and supposing
that report would show the payments
made neglected to bring them along
but he has them and asks to file
them hereafter. Marked XXX, & prays
they be so considered, Your petitioner
would further shew that his land
will in five years netting pay all
that is yet unpaid; Your petitioner
would further shew he is able
to have the land sold for a

much higher price than the
^{which} was really contemplated by
^{the} W. R. Boles in the written agreement
filed by him in the cause; Your
petitioner is advised that the legal
effect of the written agreement
binds said W. R. Boles to pay the
amount reported by Court. On which
is \$2670⁵⁴ which is largely in
excess of the actual value of the
land & ^{your petitioner believes that this case} is so complicated ~~and your~~
~~petitioner is believed~~ for the purpose
of taking petitioner's land for life
than it is actually worth, believing
no doubt that its effect would
be to pass the title of your
~~property~~ ^{permanent unpaid report in said report} petitioner's title, however, for
a nominal sum; when the land is
actually worth \$1000.⁰⁰ and
can be sold for \$800. at any time
upon the terms of the decree
The premises ^{considered} ~~to~~ the ^{of petitioner} prayer
is said sale be set aside
the court directed to ^{subsequent report} show by
the actual amount due on
the debts reported ^{by Court} & your
petitioner be allowed full

opportunity to show the truth
& justice by his petition and
vindicate his rights in the premises & demand
to petition ^{for his redress} ~~as little~~ name & so
in duty &c

Morgan & Lyman
for petition

Brought before me. Aug. 25th 1880.
James W. Orr, Clerk

R. D. Flannery

vs } Petition

H. C. Wimmer et al.

Filed Aug. 1880.

Jas W Orr. clk.

Catharine Ewing Plff vs H. C. Wieman def.
John W Johnston Exor &c Plff vs Same def.
Reese D Flanery Plff vs Same Def.
C. L. Handlen Admr Plff vs Same Def.

These causes came on again this day to be heard, and it being admitted by the plaintiffs by their counsel, that the several claims in these causes ~~and the costs~~ have all been ~~fully~~ paid, and that the accrued ^{or additional} costs have been settled during the present term by C. W. Nash Admr of H. C. Wieman deceased, and nothing further remaining to be done in these causes, it is ordered that they be stricken from the docket.

Leathamine Evening
+ others.
vs } Order
3 } ~~Secret~~ final

H. C. Wieman

Entered page 373.

J. A. Hyatt
clk

Enter this

J. A. K.

Mar 27 1884.

Virginia, Lee County Circuit Court, Aug. Term 1880.

Reece D. Flanery

Plff

against

H. C. Wiernman et als

Defts

In Chancery.

+ + + On consideration whereof, it is adjudged, ordered and decreed that the report of J. W. Orr heretofore confirmed, showing liens against the lands of said Wiernman, be recommitted to him, and that he make report to court, showing what, and what amounts, of said liens still remain unpaid.

A copy.

Lester James W. Orr, Clerk.

Notice:

On the first day of March 1881, at my office in Jonesville, I will proceed to execute the above decree, at which time and place all persons interested are required to attend.

James W. Orr, Comm.
Jan'y 28th 1881.

Reece D Flanery
vs Copy of Deed &
Notice.
H. C. Wiernman et al.

Executed by delivering
a Copy of the within notice
to Mr R Bowles and
by giving him one for
H. C. Wiernman
This July 3^d 1881
Thos S. Ely S. L. C.

R. D. Flanary pty. vs. H. C. Wieman et al. Defts. In Chy.

This cause came on this day to be again heard, on the papers heretofore read, The report of W. D. Orr, of sale of the land of Deft. Wieman to W. R. Boler, the written statement of said Boler, filed ~~as~~ as exhibit "A," the petition of Deft. Wieman, and was argued by counsel. On consideration whereof it is adjudged, ordered and decreed that the report of W. D. Orr heretofore confirmed, showing liens ~~of~~ against the land of said Wieman, be recommended to him, and that he make report to Court, showing what, & what amounts, of said liens still remain unpaid.

And it is further ordered that a rule be awarded against plaintiff Reece D. Flanary and W. R. Boler, purchasers as aforesaid, to show cause, if any they can, why the said Boler should not be required to pay the whole amount ~~upon~~ reported as liens against said Wieman; or why the said sale should not be set aside & the cause is continued,

Flanagan

4

Whuman

Entered. page 120.
F. R. Stickley D.C.

Ente

In. 24X

Aug 27/80

Patented for Mr 1/81)

Ort Comm.

Russ D. Flannery

vs

} In Chancery

W. L. Wierman et al

This cause came on this the 4th day of Sept. 1878 to be heard upon the Bill and the exhibits filed therewith, and was argued by counsel, and process having been ^{returned} ~~sent~~ ^{all except the non resident depts.} executed upon ~~the~~ ^{the} defendants in the cause and none of them having answered or appeared to the Bill ~~in any way~~, (except the Executors of Thomas J. Brown ^{by their attorney, W. A. Orr} who answer that they have no interest in the case) the same is taken for confessed as to all the defendants except the executors of Thomas J. Brown; and the Court doth adjudge, order and decree that James W. Orr, one of the Commissioners of this Court, take, make and state an account in this cause between the said Wierman & his creditors, ^{having been upon the lands in the bill named} that he summon them before him so far as he can; that he ^{ascertain} ~~report~~ ^{ascertain} the priorities of ^{their} claims, and report his action to the next term of this Court; and the cause is continued.

Recd. O. Flanary

vs } Decr

H. C. Hiernum

Entered Page 8

R. W. Orr Jr. V.C.

Enter
p. 44.
Sept 4/58



John W. Johnston Dec or

vs

H. C. Worman

In ch

Catherine Ewing

vs

Same

In ch

These causes have come on again this day to be heard on the papers formerly read and report of Thos. S. Ely Sheriff filed Augt 6th 1878 and was argued by Counsel. And it appearing by said report that the Sheriff of this county has made repeated efforts to rent out the lands of the defendant in the bills mentioned to satisfy the debts against him. And although the defendant has had due notice of the action of the Sheriff neither he nor any others would bid a sum sufficient to pay the amount of said debts and costs for the rent of said lands for the term of five years, and said report being filed more than 30 days and unexcepted to is confirmed. And in consideration whereof it is adjudged ordered and decreed that the Sheriff of this county proceed and sell at the front door of this court house on some court day, the lands in the bill mentioned or so much thereof as may be necessary to pay and satisfy the ~~respective~~ ~~debts and necessary costs to wit~~ in favor of the first mentioned plaintiff the same being for the sum of \$107.00 with interest on \$100.00 paid therefrom the 13th of October 1859 till paid and his costs subject to a credit of \$50.00 paid March 26th 1862. And also to satisfy the claim in favor of the plaintiff Ewing

which is for the sum of \$128.58 with
 interest on \$121.00 paid therefrom the 22nd of
 May 1853 till paid and her costs subject to the
 following credits to wit \$50. paid Nov 11th 1853
 \$3- paid - 1865 & \$10- paid - Decr 1870-

And in addition to the aforesaid sum, he will
 sell a sufficiency of said lands to pay the
 expense of sale, + But before sale is made
 the Sheriff shall post notice on the front
 door of this Court house and in the neigh-
 borhood where the land lies ^{at least 30 days before the sale} setting forth
 the time place and terms of sale. He
 will report his action to this Court and
 the cause is continued.

+ The sale shall be made on a credit of 1.2 & 3
 years except as to the costs which shall be required
 to be paid in hand.

For W. Johnson per

D. { accu. for dca

H. C. Warner

Leathman Esq

same

Centers Page 476

22nd Nov 78 D.C.

Encl

J. H. H.

Sept 2/78

John W Johnston Sen
co

H L Wiman

} in l by

Leathum Ewing

co

Ewing

} in l by

These causes came on again this day to be heard together on the papers formerly read and report of the S & J Shiff in the first named cause and was argued by counsel and it appearing to the Court that there has been a decree in each case ordering a writing of the bond in the bill mentioned for the amounts decreed in favor of the respective plaintiffs and by the report of Shiff & it appears that he has not hitherto succeeded in writing the same But from the report filed the Court is not informed of its satisfaction why the said bonds have not been writ. Wherefore it is ordered and decreed that the Shiff of this Court again

offer the said lands for not
to pay and satisfy the claims of
the respective plaintiffs. He is
directed to post said lands on
some convenient day at the front door
of the Court house of this County
of which writing he will post notice
on the front door of the said
Court house and in the neighborhood
where the land lies setting forth
the time place and terms of
writing, and he is directed to
require the rents to be paid at
the end of the rental year in
money and for its payment require
bond with good security but so
much as may be required to pay
the costs against the respective plaintiffs
shall be required to be paid in
hand. He will report his action
to this Court and the cause
is continued

Court page 750.
J. W. Orr. clk

Enter
for
Apr 24/78

Virginia.

At a circuit Court continued and held for Lee County at the Court house thereof, on Thursday the 4th day of April 1878.

John H. Johnston Sur. vs Peff vs H. C. Kierman Deft. - In Chancery.
Catharine Ewing Peff. vs Same Deft. - In Chancery.

These causes came on again this day to be heard together on the papers formerly read, and report of Thomas S. Ely Sheriff, in the first named cause, and was argued by counsel. And it appearing to the Court that there has been a decree in each case ordering a renting of the lands in the bill mentioned for the amounts decreed in favor of the respective plaintiffs, and by the report of Sheriff Ely it appears that he has not heretofore succeeded in renting the same. But from the report filed the Court is not informed to its satisfaction why the said lands have not been rented, wherefore it is ordered and decreed that the Sheriff of this County again offer the said lands for rent, to pay and satisfy the claims of the respective plaintiffs. He is directed to rent said lands on some Court day, at the front door of the Court house of this County, of which renting he will post notice on the front door of the said Court house, and in the neighborhood where the land lies, setting forth the time place & terms of renting, and he is directed to require the rents to be paid at the end of the rental year in money, and for its payment require bond with good security but so much as may be required to pay the Costs decreed the

respective plaintiffs shall be required to be paid
in hand. He will report his action to this Court
and the Cause is Continued.

Costs in first case

£ 4.83

£ 15.00

£ .50

Estimated £ 8.00

£ 28.33

A Copy

Teste R. H. Orr, Jr. D.C.

Costs in 2nd case

£ 7.19

£ 15.00

£ .50

Estimated £ 8.00

£ 30.69

Jno. W. Johnston Senr. &c

vs

W. C. Stenman

vs

Leatham Leaning

vs

W. C. Stenman

Copy of Decree

For Rent at Augt County Court

For Sheriff

£

John W. Johnston Secy. Off.

H. C. Wernan

Left

This cause came on this day to be heard
on the bill of the plaintiff ^{taken for confessed} & his bill
filed and was argued by counsel

On consideration whereof it is adjudged
ordered and decreed that the defend-
ant, Hiram L. Wieman pay to the
plaintiff ^{John W. Jewell} \$107.00 with interest
on \$100 - but thereof from the
13th day of October 1859. till paid
and the costs of the suit. And
should default fail to make payment
to the plaintiff of the amount
herein decreed for 30 days from
the rising of this Court, then
the Sheriff of this county is directed
to rent out the land of the defendant
in the title mentioned for such length
of time as may be necessary to
satisfy this decree and expense
of renting, The Sheriff shall
expose said land for rent at the
front door of this Court house
on some Court day. Nothing the rent
payable at the end of the year in

money and taking bond with good
 security for its payment: except so
 much as may be necessary to pay the costs.
 Shall be required to be paid in bond
 but before the Sheriff proceeds to sell
 he shall give notice in the most some
 public place in the neighborhood
 where the lands lie and on the
 front door of this Court house for
 at least 30 days before the writing
 setting forth the time place and
 terms thereof. He will report his
 action to this Court and the cause
 is continued

Jos. W. Johnson clerk

D. Deane

H. C. McLean

Entered page 658.

Jos. W. Clark

Capt. J. W. K.
 Apr 11/77

Leatharine Earing Plff

Against

Samuel Weirman - def

} In Chancery

This cause came on this day to be heard upon the bill taken for confessed and exhibits filed and was argued by counsel. On consideration whereof the court is of opinion and doth so adjudge order & decree that the plff recover from the defendant the sum of \$121.00 and interest thereon from the 22 day of May 1853. and \$7.58 costs at law. Subject to the following credit \$50. paid Nov. 11th 1853. \$3. paid 1865. \$10. paid December 1870, and that the plff recover from the defendant the costs of this suit. And unless the defendant or some one for him pay to the plff in 30 days the said sums then, Charles L. Hamblin Sheriff is directed to offer the land in the bill mentioned for rent for such time as may be necessary to pay the amount due in favor of the plff and expense of renting the term to commence on the 5th day of September next - but before he proceeds to rent a copy of this decree will be served on the defendant - and said Sheriff shall advertise the time and place of leasing for 30 days by posting notice on the front door of the court house, and one in the neighborhood where the land lies. The renting shall take place on the premises. if the leasing is confirmed by the court, the lease will be paid

in possession of the premises with any growing crop
thereon on the last day of September 1874.

From the case the said Humblin will take leave ~~soon~~
sufficient security for the annual rent, and upon
his acting to that effect the cause is continued.

W. H. Harris, Clerk

W. H. Harris

Veram E. Whimman

August 7, 1874

Entered order Book page
375.

James W. Or. Clerk.

Enter this decree

Aug. 31, 1874

J. H. K.

L L Hamblen adm Pff
against

Hiram L Merriam

Sept } In
1859 } tel

This Cause came on this day to be heard on the bill of the plaintiff exhibits filed and was argued by Counsel - And it appearing that the ~~defendant~~ plaintiff as administrator of Wm S Ely dec^d obtained two Judgments against the defendant one for \$127.31 with interest from the 13th November 1859 and costs amounting to \$10.60 - The other Judgment for \$75.00 with interest thereon from the 8th day of November 1859 and costs amounting to \$19.02 - On consideration it is adjudged and decreed that the defendant pay to the plaintiff administrator as aforesaid the said sums of money and the costs of this suit and should he fail to do so for three months from this date, then ~~Patrick Morgan who is hereby a co-heir of L Hamblen~~ Shff is directed to ~~take into possession~~ ^{offer for rent} the land in the bill mentioned ~~with the growing crops thereon and rent the same~~ for such length of time as may be necessary to pay the amount decreed in favor of the plaintiff and ~~expense~~ ^{the term to commence on the 5th day of Sept. next.} of renting - but before he proceeds to

execute this decree a copy will first
 be served on the defendant 30 days
~~interdicted to the taking of the premises~~
~~by the said Sheriff. He will report~~
~~his action to the court and the cause~~
~~is continued~~ defendant: and he, said Hamlin,
 shall advertise the time, place & terms of leasing for 30 days
 by posting a notice at the front door of the Court house &
 another in a public place in the neighborhood of
 the land & the renting shall take place on the premises.
 The Tenant lessee, if the leasing is confirmed by the court, will
 be placed in possession of the premises with any growing
 crops thereon on the said 5th day of Sept. next. From the lease
 the said Hamlin shall take bond & security for the annual
 rent reserved & report his proceedings to Court & the cause
 is continued.

L. L. Hamblin

W. J. Adams

H. L. Williams

Entered order Book
 page 355.

James W. Dorr, clk.

Enter this
 J. E. A. R.
 Mar 20/74

Reuben S. Flannery

vs

H. C. Wiernan et al

} In Chy

This cause came on this day to be again heard upon the papers formerly read in the cause and the report of Comm. James W. Orr and was argued by Counsel; and it appearing to the Court that the said report has been filed the length of time required by law and the same being un-
excepted to ~~the~~ it is hereby confirmed. And the Court doth further order adjudge and decree that the parties named in said Commissioner's report recover of H. C. Wiernan the sums of money therein found to be due them and the interest thereon ^{with interest on the principal sums} according to the degree of priority therein stated, and that the plaintiff recover of the said H. C. Wiernan the costs of this suit. And unless the said H. C. Wiernan or some one for him pays and satisfies this decree within 30 days from the close of this Court, then it shall be the duty of Wm A. Orr who is hereby appointed a special Commissioner ^{and who shall sell in lieu of H. B. O. Lane Justice} for the purpose to sell so much of the Real estate in the bill named

as will be necessary to satisfy this
debt and the expenses of sale,
at public auction to the highest
bidder, at the front door of the
Court house of Lee County, on
some Court day, on a credit
of ~~one and two years~~ ^{six and twelve months time}, except
the costs of suit and expenses
of sale, which must be paid
down, and he shall hester
bond with good personal security
as to the deferred payments to
himself as Court. But he shall
first advertise the time, place
and terms of sale for 30 days
by posting a written notice thereof
at the front door of said Court
house and also on the land
and also at a public place
in the vicinity of the land.
He shall report to Court and
the Court is continued

Wm. D. Flannery

vs Lee

H. C. Williamson

Entered Page 40.
R. W. Orr prob.

Feeling

Drum

Enter this over

JOHN

To the Hon. John A. Tully Judge of the Circuit Court of
Lee County: —

Your undersigned special commissioner in the
Chancery cause of C. L. Hamblen Admr. &c against
H. C. Wierman ~~deposited~~ at the November Term of said
Court respectfully reports that he has discharged the duties
imposed upon him as follows: After advertising the time,
place & terms of leasing for 30 days at the front door of the
court house of this County and in the neighborhood of the land
in the bill mentioned I went upon the premises on the 21st
day of September 1874 and leased to the highest bidder, Wm. S.
Martin, for the sum of debt interest and costs in the above
mentioned. Taking his two notes ~~therefor~~ payable to
C. L. Hamblen Shff. Admr. of Wm. S. Ely decd. with
H. C. Wierman as security, waiving all homestead
exemptions. This Sept. 21/1874

Respectfully Submitted,
Chas. L. Hamblen.

Special Commr.

to L. D. Hamblin Assoc.

or
Commons Report

H. C. Kierman

Filed Nov 13th 1874.

James W. Orr, clerk.

John W. Johnston surro. Plff }
Against } Indor
Hiram L. Wherman def. }

The undersigned, being here to report that in the above styled cause, he advertised according to a decree rendered therein but, owing to, smallness & encumbrances on the property, he could not obtain a single bid - No renting could therefore be made - Your court suggests that a sale will hereafter be made if the plff gets his debt. All of which is respectfully submitted.

Thomas S. Ealy
Sheriff & as such Court.

John W. Johnston
Surver

vs { Thomas S. Ely &
Refert

H. C. Meriman

Filed March 18th 1878.
E. W. Orr Jr. DC.

John W Johnston dec'd or
 as
 Hiram & Wieman } in lch
 Catherine Ewing }
 as
 Hiram & Wieman } in lch

To the Hon John A Wiley Judge of the circuit
 Court of Lee County

Your undersigned has
 leave to state that in obedience to the
 decree rendered in these causes ^{at the last term} he advertised
 for rent the lands in the bills mentioned
 in the manner prescribed by the decree, and
 he further gave the plaintiff personal notice
 by parol of the time of renting, and warned him
 that if the land did not rent for a sufficiency
 to satisfy these debts and costs within five
 years, that a decree would be rendered
 to sell a sufficiency of said land
 for the satisfaction thereof. And in
 pursuance of the notice given he
 offered the said land ^{at the first doings of the court house of said County} for rent on the
 1st day of the ^{August} term 1878 of the
 County Court of said County and
 announced the terms of the renting,
 and no one would give for the
 rent of said land for five years a
 sum sufficient to pay the plaintiffs
 debt and costs. Hence the same was
 not rented. And he suggests that a
 sale should be ordered, August 6th 1878

Thos. S. Ely S. C. C.

for W. Johnston & Co
vs { Report that land
was offered for sale
H. L. Wimmer

Catharine Ewing
vs { Report that land
was offered for sale
Same

Filed Aug 4/78
R. W. Orr Jr. Clk

Let enough be sold

Virginia,

Lee county circuit court, Feb' 14th 1877.

Reese S. Flanery

Plaintiff

against

H. C. Wierman et als Defendants

In chancery.

The undersigned Commissioner, who was by a decree in said cause entered at the August term 1876, directed to take, & state an account in said cause between the said H. C. Wierman and his creditors, having liens upon the lands in the bill mentioned, and ascertain the priorities of their claims, respectfully reports, that after giving notice to the parties, I have on this 14th day of February 1877, proceeded to ascertain the liens, by judgment and otherwise, upon the said Wierman's lands, I have prepared a list or statement of the said liens herewith filed marked "K," in which list I have stated the said liens according to their priorities, numbered respectively 1, 2, 3, 4, 5, 6, 7, 8, 9, & 10, Number 1. is a lien created by deed of trust, executed by said Wierman on the 20th day of January 1874, to secure ^{or sums} Wm S Martin against any sum he might have to pay as security for said Wierman in certain notes executed by them to M. B. D. Lane Commissioner &c for the benefit of Occum McBlung & Co. of which notes one is yet unpaid for \$98.23, due Jan'y 1st 1879, and which said Martin will doubtless have to pay, No 2, is a judgment in favor

of Catherine Ewing, docketed Apr 22nd 1874.
No 3rd, is a claim secured by deed of trust to P.
Hagan & A. R. Burgener, executed by said Wiernman
July 20th 1874, and under said deed of trust a
sale of a portion of the said Wiernmans land
has been made by the trustee, and at said
sale said Hagan became the purchaser, and
went into possession of the land, but as
there are two liens prior to said deed of
trust outstanding and unsatisfied, to wit.
No 1 & No 2, your Commissioner thought it proper
to report the said lien in favor of said Hagan
& Burgener along with Nos 1 & 2 as though it was
unsatisfied, it not being equal to them in
point of priority; No 4 is in favor ^{of Wm S Martin, on account} of certain pay-
ments made by him on a judgment in favor of
L. L. Hamilton Admr of the estate of Wm S Ely
deceased, against said Wiernman & said Martin as
his security, and in which the said Martin was
secured by deed of trust executed by said Wiern-
man Nov 17th 1874; No 5 - is a judgment in favor
of John W Johnston Survivor of himself and Joseph
Hampbell deceased; No 6, is a debt ^{secured} by deed
of trust to James W Orr, and assigned by James R.
Ely to Reese D Hamery, bearing date March 31st 1876,
and recorded April 1st 1876; No 7, is a judgment in
favor of Jefferson Neff & Rebecca Brown Executors
of the will of Thos J Brown deceased, dated Sept

6th 1878, and docketed Sept. 7th 1878; No 8, is ^{two} ~~a~~ Justices' judgments in favor of Bales & Co. dated Sept. 30th 1872, but not docketed; No 9, is a ^{Justice's} judgment in favor of Robert M Bales & Co. dated Sept. 30th 1872, but not docketed; No 10, is a Justices' judgment in favor of Robert M Bales & Co. dated Sept. 30th 1872, but not docketed; No 11, is for estimated costs of this suit. The amount of each of said liens or claims, with and including interest and costs to the 1st day of April 1879, will be seen by reference to said Exhibit "X", all amounting principal, interest and costs, on the 1st day of April 1879, to the sum of \$2670.54. Your Commissioner will further state that Col Martin informs him that Mr. Hiernan has paid to him about four hundred dollars on the amount he has paid for said Hiernan, and herein reported, which should be deducted from the amount of the two liens reported in ^{his} favor, but as to the true amount thus paid by said Hiernan, or the date of payment, your Commissioner is not advised.

Respectfully submitted,

James W Orr, Comr.

Since filing the foregoing report. Wm S Martin & H. C. Hiernan have settled, and the amount reported in Col Martin's favor (\$879.32) is subject to a credit of (\$515.68) as of April 1st 1879, leaving

\$363.64 as the true amount due Leal Martin
as of April 1st 1879. Respectfully submitted.
Jas W Orr, Comr.

Revised History
Jas W Orr's Report
H. B. Williamson et al.
Filed March 15th 1879.
Jas W Orr, Clerk.

Commo fee \$8.00

Rice D. Flannery

vs

H. C. Wierman et al

Plff.

Defts

} L. L. Flannery

To the Honorable John A. Kelly, Judge of
the Circuit Court of Lee County:

Your undersigned Special Commissioner
in the above styled Cause begs leave to report
that pursuant to the terms and provisions of
a decree rendered in said Cause he sold
the land in the bill and pleadings named
(there being 96 acres.) Said sale was made at
the front door of the Court house of Lee County
on the 1st day of the County Court of said County
for February, 1880, and Mr R. Bales being the highest
bidder the said land was knocked off to him
at the price of four dollars and fifty cents
per acre - amounting to the sum of \$432.00.
The purchaser paid your Commissioner his
commission \$18.30 - the costs of suit having
been paid by H. C. Wierman before sale - and
the purchaser executed his bond for \$450.70
to your Commissioner with Mr A. Orr his
security, payable in equal installments
of six and twelve months with interest from
date.

Respectfully Submitted,

Mr A. Orr

Special Commissioner.

Since writing the above report your Commissioner
finds that that the costs of the case of J. W. Johnston
vs H. C. Wierman have not been paid; but
the purchaser Mr R. Bales files with me a written

agreement & obligation to pay all the liens
against the said land. filed here marked "A"
Respectfully Submitted
Wm. Orr.
Special Commissioner

^{L Orr}
Ruco & Planny

as Report of Sales

H. C. Kimball et al

1880 March 3rd. Filed
Jas. W. Orr, clk.

Virginia, Lee County Circuit Court, March 1st 1881.
Reese D. Flanery

Plaintiff

vs

H. C. Wiernman et als

Defendant

In Chancery.

The undersigned Commissioner in said cause who was at the August term 1880. directed to make a report in this cause, showing what, and what amounts, of the liens heretofore reported by me in this cause still remain unpaid. Respectfully reports that he summoned the defendant, Wiernman, and ^{Wm R Boles} the purchase of the 96 acres of land sold in the cause by court Wm A Orr, to appear before him on today, and the parties being present your Commissioner learned from them the true understanding and agreement between them at the time of the sale of the 96 acres of land, which was purchased by said Boles; and the said parties at the suggestion of your court and with the approval of defendant Wiernman's counsel, caused said agreement to be reduced to writing, and it was then signed by the parties, Wiernman & Boles, and is herewith filed marked "X". By reference to said agreement, it will be seen that said Boles agreed and undertook to pay to the several lien holders, reported by me in my former report in this cause, the balance due, at ^{the} date of his purchase of the 96 acres, ~~to the~~ to the creditors of said Wiernman on their said liens. The said Wiernman & Boles seeming to have a well understood agreement between them as to what said Boles should pay for the ^{96 acres of} land, that is that he should pay

a sum sufficient to pay the balance due at the date of his said purchase to the lien holders in said cause, and your Commissioner being well satisfied, that said Bales is in good faith carrying out said agreement upon his part, and that the interests of the lien holders are not effected thereby, and from the further fact that said Niernman & Bales did not have their receipts with them, so as to show what liens or parts of liens, they have discharged, since the sale of the 96 acres, & their agreement at said Sale, Your Commissioner deems it unnecessary at this time, to undertake to ascertain the balance yet unpaid on said liens, but simply submits said agreement and this report for the present.

Respectfully,

James W Orr, Commr.

To

Hon' Jno A Kelly,

Reese L. Flauery
vs } Comr J. W. Orr's Report.
H. C. Wiernman et als.
Filed March 1st 1881.
Jas W Orr. clerk.

Comr's fee \$1.50

This is to certify That. the agreement and understanding between. W. R. Bole & H. C. Wierman and H. A. Orr special Commissioner at the date of the sale ^{To wit 1st day of Febry Term 1880 of the County Court,} of H. C. Wiermans land was That. said W. R. Bole, was to advance to said Wierman one hundred and seventeen dollars. with which the said Wierman was to pay off and discharge certain justices judgement liens held by R. M. Bole & Co. and to pay the balance at that date remaining unpaid of the liens reported by James H. Orr. Commissioner in his report heretofore made and confirmed in the cause. Which balance at the date of said sale together with the commissions, amounted to the sum of \$432.00 of which \$18.30 was commission & \$413.70 was for the payment of debts. And it is further agreed by and between said Wierman & Bole that. the said Bole has advanced to the said Wierman said sum of \$117.00 and that for said sum the said Wierman has sold and agreed to convey to the said Bole eleven acres of the land sold by Court Orr. said 11 acres to be laid off adjoining the Mill property heretofore bought by said Bole And it was further agreed by and between the said Bole and the said Wierman that in the event said Wierman could raise

the money pay off and discharge ~~the~~
balance of said liens so reported and
then remaining unpaid ~~and~~ payback
to said Bole The \$1830 commission paid
by him, with interest thereon. Then that said
Wieman was to have said land except
the 11 acres heretofore referred to, free
from any claim of the said Bole - said
Payments to be made by the said Wieman
as the purchase money agreed to be paid by
said Bole became due -

And it is further agreed that said Justice
Judgments heretofore referred to, were liens
reported by Commissioner Orr. in his
said report aforesaid.

Given under our hands, March 1st 1881.

W R Bole

H C Wieman

Reese D. Flanery
vs } Agreement of Sales &
H. L. Wiernman

X

Virginia,

At a circuit Court continued and held for Lee
County at the Court house thereof, on Saturday
the 4th day of Sept. 1875,

John W. Johnston & Joseph I. Campbell Survivors &c Plffs.

vs

Hiram C. Wieman

} In Debt.
Deft.

The defendant not appearing it is considered by the Court
that the judgment obtained against him in the Clerk's of-
fice for \$100.00 the debt in the declaration mentioned
with legal interest thereon from the 15th day of October
1859, until paid, and the costs be made final, subject
to a credit of \$50.00 paid Nov. 26th 1862

A Copy

Teste. R. W. Orr Jr DC

b 4.00
a 2.50
\$ 6.50
\$ 7.00

John W. Johnston et al
vs { Copy of pdgt.
H. C. Wieman

"A"

Doct 10 Sept
1875

| | |
|-----------|------------------|
| \$100 | Oct 13/5-9 |
| 14 1/2 | 2 m |
| 900 | 2.00 |
| 1000 | 12 |
| 114.50 | 129 |
| 50.00 | 14 1/2 |
| 64.50 | Mr 26/62 |
| 94 1/4 | 13 |
| 258.00 | 15-8 1/2 |
| 5805-0 | 12 |
| 1612 | 188 1/2 |
| 60.79 1/2 | 94 1/4 |
| 64.50 | |
| 123.29 | Ant Decr pt p 77 |
| 7.00 | Cash at law |
| 28.23 | |
| \$160.52 | |
| 8.02 | Shffs Com. |
| \$168.54 | full amt due. |
| 3 | |
| 842 70 | |

Like paid
down 7.00
28.23
8.02
\$43.25

The Commonwealth of Virginia ;

TO THE SHERIFF OF LEE

COUNTY, GREETING :

We command you that of the goods and chattels of *Hiram C. Wierman*

late of your bailiwick, you cause to be made \$ *127.31* with interest at 6 per cent.
per annum from the *13th* day of *November* 18*59* until paid, which
C. L. Hamblen Adm'r of Wm S. Ely dec'd

lately in our ^{*Circuit*} County Court of Lee has recovered against *him* for
debt; also \$ *9.60* which to the said *Hamblen Adm'r*
in the same court were adjudged for *his* costs in that behalf expended, whereof
the said *Wierman* is convict, as appears to
us of record; and that you have the same before the Judge of our said ^{*Circuit*} county, at the court-
house, on the *first* Monday in *November* next, to render unto the said
Hamblen Adm'r as aforesaid of the
debts and costs aforesaid. And have then there this writ. Witness, JAS. W. ORR, Clerk of
our said Court, at the court-house, the *11th* day of *September* 187*8*, in
the *98th* year of the Commonwealth.

6 600
2 250
8 350
\$ 7 60

James W. Orr clerk
A copy
Lester James W. Orr. clerk.

C. L. Hamblen Adm^r

vs } Copy of Hi Ha

H. C. Meerman

Remember Rules 1873.

to property found subject
to levy.

Thos J Brown, S. S.

A copy

Teste James W. Orr, clk.

(Exhibit A)

Fee for Copy .20 cts

The Commonwealth of Virginia ;

TO THE SHERIFF OF LEE COUNTY, GREETING :

WE command you that of the goods and chattels of *Ligam C. Wierman*

late of your bailiwick, you cause to be made \$ *75.00* with interest at 6 per cent.
per annum from the *9th* day of *November* 18 *59* until paid, which

C. L. Hamblen Adm'r of Wm S. Ely dec'd

lately in our County Court of Lee *county* ha^d recovered against *him* for
debt; also \$ *12.60* which to the said *Hamblen Adm'r*

in the same court were adjudged for *his* costs in that behalf expended, whereof
the said *Wierman* is convict, as appears to

us of record; and that you have the same before the Judge of our said county, at the court-
house, on the Monday in *Oct* next, to render unto the said

Hamblen Adm'r of the

debts and costs aforesaid. And have then there this writ. Witness, JAS. W. ORR, Clerk of

our said Court, at the court-house, the *4th* day of *August* 187 *3*, in

the *98th* year of the Commonwealth.

6. 7. 86
a. 2. 50
S. 2. 50
W. 6. 64
19. 60

James W. Orr clerk
A copy
Teste James W. Orr clerk.

so-7 (28)

L74P

C. L. Hamblen Adm'r

Copy of Fi Fa

Hiram C. Mainwaring

October Rules 1873.

so property found
That J Brown & S.

A copy

Teste James W. Orr clk.

(Exhibit 6)

Fee for copy 20cts

L74

Virginia

At a court of quarter sessions continued and held for Lee County, at the Court house thereof, on Tuesday the 17th day of June 1873.

C. L. Hamilton Adm^r of Wm S Ely decd

Plaintiff

vs

Hiram C Wieman

Defendant

In Debt, to 1.

This day came again the parties by their attorneys, and a jury which by Consent of parties consisted of nine men, to wit: - + + + + +

It is therefore considered by the Court that the plaintiff recover against the defendant \$15.00 with legal interest thereon from the 8th day of November 1859, until paid, and the Costs.

A Copy, Teste James W Orr, Clerk.

C 7.38
a 2.50
s 2.50
W 6.64
\$ 19.02

Virginia

At a circuit court continued and held for Lee County, at the Court house thereof, on Tuesday the 26th day of August 1873.

C. L. Hamilton Adm^r of Wm S Ely decd

Plff

vs

Hiram C Wieman

Def

In debt.

This day came again the parties by their attorneys, + + + + +

It is therefore considered by the Court that the plaintiff recover against the defendant \$127.31 with legal interest thereon from the 13th day of November 1859, until paid, and the Costs.

A Copy, Teste James W Orr, Clerk.

C 6.60
a 2.50
s 1.50
\$ 10.60

C. L. Hamilton Admr &c
3 Copy of Judgments
H. B. Newman

Exhibits

Fee for these copies - 40 cts

This Deed made this the 31st day of March 1876
between Hiram C. Wierman of the first part - and
of the second part - both of Lee County, Virginia
Wm. T. Orr, Trustee, Witness: That the said Hiram
C. Wierman doth bargain, grant and convey
to the said Wm. T. Orr, Trustee as aforesaid, the
following tract of land, for and in considera-
tion of the sum of one dollar, in hand
paid, the receipt whereof is hereby acknowledged
and in the further consideration of the fact that
the said Hiram C. Wierman is indebted to
James W. Orr in the sum of Seventy seven
dollars and 52 cts evidenced by note dated March
31st 1876 and one day after the date
thereof. And also in the sum of Twelve
dollars and sixty three cents, evidenced by
note dated January 19th 1875. The tract of
land I now live on, on which is situated
my mill property, and one acre on the South
side of Indian Creek, opposite said mill property;
all situated in Lee County, Virginia. The farm
I live on bounded by the land of Wm. Woodson,
Zachariah and Josephus Gibson, M. W.
Gibson deceased, and Wm. D. Brown. To
have and to hold to him the said Wm. T. Orr,
Trustee, and his heirs forever.

In Trust, Nevertheless, If the
the said Hiram C. Wierman shall well and
truly pay to the said James W. Orr the above
described debts with the interest thereon, on or
before the 14th day of March 1877, then this
Deed of Trust to be void, otherwise to remain
in full force and virtue. And in that
event it shall be the duty of the said

James W. Orr, Trustee, to advertise the foregoing described lands for sale, by posting a written notice on the said lands, and also on the front-door of the Court House of said Lee County, Virginia for a length of time not less than thirty days; and on some court day, sell to the highest bidder at public outcry so much thereof as may be necessary to satisfy the said James W. Orr's said debts, himself five per cent commission and the costs according this deed of trust. Witness my hand and seal this the 31st day of March 1876

J. C. Wiernman Seal

James W. Orr, Trustee.

From } deed of trust.

J. C. Wiernman

Recorded in deed book No. 117
Page 453

James W. Orr, clerk

"A"

I hereby assign & transfer the within deed of trust to James R. Gibson, and without any recourse upon me either in law or equity, giving under my hand this 30th day of June 1877.

James W. Orr

I hereby assign & transfer the within deed of trust to James R. Gibson, and without any recourse upon me either in law or equity, giving under my hand this 30th day of June 1877.

James W. Orr

James R. Gibson

Virginia, Lee County Court Clerk's office the 1st day of April 1876.
The foregoing deed of trust from J. C. Wiernman of the one part, to Mr. A. Orr Trustee of the second part, both of Lee County Virginia, was this day acknowledged before me by the said Wiernman to be his act and deed for the purposes therein mentioned and said deed is admitted to record.

John R. Gibson Deputy
for James W. Orr, clerk

R. D. Flanery - Plaintiff
against } L. C. Flanery
H. C. Wirmann et al. Defendants

To the Hon. John A. Kelly, Judge
of the Circuit Court of Lee County.

Whereas the undersigned became
the purchaser of certain lands named and
described in the above styled Cause, at
a sale made by Special Comm. Wm. A. Orr,
pursuant to a decree rendered by your
Honor in said suit; and whereas
the amount bid by me is not enough
to pay the debts reported as liens on
said lands, I hereby agree to pay all
the debts now reported in said Cause,
I hereby agree with said Wirmann and
some of the lien owners to do so
on the day of the Sale.

This June 21st 1880. Witness the follow-
ing signatures and seals.

s/ W. R. Bole Seal

R. S. Flannery

no } Rules agreed upon
to pay all debts.

H. L. Wierman & Co

"A"

Virginia

At a Court of quarter sessions continued and
held for Lee County, at the Court house thereof,
on Saturday the 23rd day of Nov 1872.

R. M. Bales Suror for Catharine C. Ewing Plff

vs

Hiram C. Wierman

Defendant

} In Debt

The defendant not appearing it is considered by the
Court that the judgment obtained against him in the Clerk's
office for \$121.00 the debt in the declaration mentioned
with legal interest thereon from the 22nd day of May
1853, till paid, and the costs, be made final, Subject
to the following Credits, Vitz: \$50.00 paid Nov 11th 1860.
\$3.00 paid 1865. \$7.00 paid - 1866. and \$10.00 paid
Decr 1st 1870.

Attest Teste John R. Gibson Clk.

C 3.00
A 2.50
S .50
V 1.00
\$ 7.00

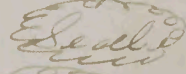
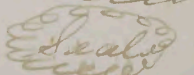
R. M. Bales for
20th Copy of Judgment
Hiram C. Wierman

(A)

See for this Copy 20th

This Deed made this the 20th day of January 1874. between H. L. Wiernman of the County of Lee & State of Virginia of the one part: and M. B. D. Lane Trustee of the said county & State of the other part. Witnesseth that that the said Hiram L. Wiernman for and in consideration of the sum of one dollar, as well as in consideration of the matters herein after expressed.

Doth hereby grant and convey unto the said M. B. D. Lane the tract or tracts of land upon which I now live in said County lying on the main Road leading to Cumberland Gap. containing about $3\frac{1}{8}$ acres. upon which there is a good grist mill: yet upon the following conditions and trust: Whereas the said H. L. Wiernman did on decree rendered in the chancery case of Leowan McClung & Co vs said Wiernman for which renting the said Wiernman executed his five several bonds for seventy eight Dollars & twenty three cents. each with Wm S. Martin his security. payable on the 1st January 1875-6-7-8-9. with interest from the 19th of January 1874. now if the said Hiram L. Wiernman shall not pay and discharge said bonds as they become due and payable, then it shall be the duty of the said Trustee, M. B. D. Lane, to proceed to sell &c. according to the 6th Sec. of ch 117 of the code of 1860 so much of said land as shall be sufficient to pay installments then & payable. Witness the following signatures and seals, the day and year first above written

H. L. Wiernman 
M. B. D. Lane. 

Virginia Lee County Clerk's office the 20th day of January 1874. The foregoing Deed of trust from Hiram C. Wiernman of one part, to M. B. D. Lane Trustee of the other part was this day acknowledged before me to be their act and deed for the purposes therein mentioned, and is admitted to record.

Teste, James W. Orr, Clerk.

A copy

Teste - James W. Orr Clerk

M. B. D. Lane
Trustee

From
Copy of Deed

H. C. Wiernman

"C"

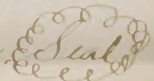
C. McLeod

Report this

Jan'y 20th 1874.

See 35 d

This Deed made this 20th day of July 1874
between Hiram C. Wiernman of Lee County Virginia
of the one part, and Auburn L. Pridemore of said
County of the other part, Witnesseth that whereas the
said Wiernman is justly indebted to Abraham
R. Surgeon and Patrick Hagan in the first
and full sum of six hundred and seventy five
Dollars due by note of this date for land sold to the
said Wiernman by the said Surgeon and Hagan and
the said Wiernman being desirous of security to the
said Surgeon and Hagan the payment of said
sum of money, he the said Wiernman doth grant
and convey, untoth said Auburn L. Pridemore
all the land owned by him lying in said County
in trust to secure to the said Surgeon & Hagan
the said sum of money. Now therefore if the
said Wiernman shall fail to pay the same by the
25th day of December next, then the said Pridemore
Trustee is hereby empowered and authorized to
sell so much of the land hereby conveyed as
may be sufficient to pay the same the cost of
recording this deed and five per cent to the trustee
for his trouble. Witness the following signature
and seal.

H. C. Wiernman. 

Lee County Court Clerk's office. the 20th day
of July 1874. The foregoing Deed of trust
between Hiram C. Wiernman of the first part, and
Auburn L. Pridemore Trustee of the second part
both of Lee County Virginia was this day
acknowledged before me by the said H. C.
Wiernman to be his act and deed for the

purposes therein mentioned, and said
deed is admitted to record.

James W. Orr Clerk.

A Copy
Teste - James W. Orr Clerk

A. L. Prudden Trustee

3 Ck of Seed

W. L. Newman

"D"

July 20/74
Penn Delit
Settled

Fee 35¢

This Deed made this the 16th day of November 1874, between Hiram C. Wiernman of the county of Lee State of Virginia of the one part; and M. B. D. Lence, ^{Trustee} of the said county & State of the other part. - Witnesseth that the said Hiram C. Wiernman for and in consideration of the sum of one Dollar to him in hand the receipt whereof is hereby acknowledged, as well as in consideration that William S. Martin did become his surety in two notes executed to Charles L. Hamblen as Sheriff for the rent of the said Wiernman's land which was rented, on the day last aforesaid by the said Wiernman to discharge a debt for which a decree has been rendered by the circuit of said County in favor of said Hamblen as admr. of the estate of Wm. S. Ely decd. against said Wiernman, one of said notes for three hundred & eighty two dollars & twenty six cents, payable two years after date with interest from the 21st September 1874. The date thereof, and the other note for seventy three dollars & fifty four cents payable one year after date & dated the 21st Sept. 1874 with interest from date; doth grant sell & convey unto the said Trustee, the tract of land upon which I now reside, lying in the western end of said county upon which there is a good mill, supposed to contain 333 acres more or less, with all of its appurtenances, and also all of my personal

property of every kind whatsoever, consisting of one set of cards for carding rolls by water, Gray mares and one mule colt, eleven head cattle, two cows, & 9 one & two years old, 1 sow & seven pigs, 11 shoats, 1 old waggon, 1 common set of blacksmith tools, farming utensils, consisting of one Barshear, three one horse ploughs, & household & kitchen furniture consisting of nine beds & bedsteads & necessary covers &c. for same. Two old clocks, one workstand, Two Goblets & table ware, 1 Sewing machine (common) and several cook vessels & other Kitchen vessels, upon condition however That that the said Wiernman is to retain possession of said land and all the aforesaid personal property until such time as it shall become necessary to sell the same or any part thereof, according to the stipulations hereafter contained.

In trust nevertheless herein before described & the interest on the same promptly as they fall due: and shall pay the expenses of drawing and recording the deed, then the same shall be due and payable, then the said trustee when requested by either party, Martin or Wiernman, is to proceed to sell at public at the Court House of said county, or such other place as he may think best, so much of said property or any the said the said Wiernman may have in due thereof, as shall satisfy the said notes as they become payable & the interest thereon & all legal expenses attaching thereto, & five percent to said trustee, who shall be governed by the law of the code of 1860, in relation to trustees. Witness the following signatures and seals. (Interlined before signing)

J. C. Wiernman.

W. D. Lane

Seal
Seal

Virginia Lee County Clerk's office the 17th day of Nov. 1874. The foregoing deed of Trust between J. C. Wiernman of the one part and W. D. Lane Trustee of the other part, both of Lee County Va. was this day acknowledged before me by the said Wiernman & Lane to be their act and deed, for the purposes therein mentioned. And said deed is admitted to record.

Teste James W. Orr, Clerk

A Copy

Teste James W. Orr, Clerk

M. B. D. Lane Trustee

From } Book of Seed.

H. C. Wierman

"E"

Mrs S. Ely ditto

Report this
Nov 17/74

Fee 25 cts

This Deed made the 16th day of December 1872
between Hiram C. Wiernan of the one part, and
Auburn L. Pridemore Trustee, of the other part, all
of Lee County Virginia. Witnesseth; that whereas the
said Wiernan is indebted to Patrick Hagan Comr
in the sum of Four hundred and ~~and~~ thirty six
Dollars and five cents which is evidenced by
bond executed by said Wiernan with William S.
Martin as his security dated on this day and
payable twelve months after date with interest.
And the said Wiernan is also indebted in the
further sum of (\$ 31.68) Thirty one dollars and
sixty eight cents to said Hagan Comr and
is evidenced by the bond of said Wiernan
of this date payable one day after date with
the said Martin as security. Now therefore
to indemnify the said Martin as security
aforesaid, and also to secure to the said Patrick
Hagan Comr the payment of the said
sums of money. He the said Hiram C
Wiernan in consideration of the premises
and of one dollar paid to him by the said
Pridemore doth hereby grant and convey
unto the said Pridemore all of the said estate
owned by him, the said Wiernan situated
in said county. Now therefore if the
said Wiernan shall fail to pay the said
Hagan the aforesaid sums of money
when the same becomes due, then it

shall be the duty of the said Pridemore trustee to sell so much of the said estate of the said Wierman as may be sufficient to pay said debts, five percent commission and costs of recording this deed. But if the said Wierman shall pay said debts then the said Wierman shall be entitled to a re-conveyance by the said Pridemore of the real estate herein mentioned.

Witness the following signature and seal.

H. L. Wierman 

Lee County Court clerk's office the 16th day of December 1872.

The foregoing Deed from Hiram L. Wierman of the one part to Auburn L. Pridemore Trustee of the other part, both of the County of Lee and State of Virginia were acknowledged before me by the said Wierman to be his act and deed for the purposes therein mentioned and is admitted to record.

Teste James W. Orr. Clerk.

A Copy

Teste - James W. Orr Clerk

A. L. Ordmore Trustee
From Copy of Deed
Re. L. Viernan

"F"

Perm Debit
Settled

Jul 60cs

Russ D. Flannery

vs } Transcript of Judge
Linn

H. C. Wierman

(G)

\$120

Transcript of judgments Lira against Hiram L. Wierman as recorded in the judgment Lira Dockets of Lee County, Virginia prior to March 31st 1876.

| Date of Judgment | By what Court Obtained | Time of Docketing | Name & description and residence of parties | Libt - damages interest and Costs | Amount & date of Credits |
|----------------------------|------------------------|----------------------------|---|--|--|
| 1875 Sept 4 th | Lee Circuit Court | 1875 Sept 10 th | John H. Johnston & Joseph T. Campbell Suro & E. of Washington County, Va. Plffs. } Hiram L. Wierman of Lee County, Virginia, Defendant } In debt | Judgment for \$100.00, with int. from Oct. 13 th 1859 till paid, and \$7- Costs | \$50.00 Mch. 26 th 1872. |
| 1873 Nov. 23 rd | " | " | 1874 Apr. 22 nd R. M. Baker Suro & E. for Catherine C. Caskey of Lee County, Va. Plff } Hiram L. Wierman, of Lee County, Va. Deft } In debt | Judg ^t for \$121.00 with int. from May 22 nd 1853 till paid, and \$7.58. Costs | \$50- Nov. 11 th 1853, \$3- 1865, \$7- \$10, Dec. 1 st 1870. |
| 1872 May 21 st | " | " | 1872 June 1 st Lowan, McClung & Co, Knoxville, Tenn. Plffs } Hiram L. Wierman Lee Co., Va. Deft } In debt | Judg ^t for \$425.74, with int. from July 1 st 1871 till paid and \$7.00 Costs | |
| 1872 May 17 th | " | " | 1872 June 1 st T. H. Penn of H. L. Wierman of Lee Co. Va. Plff } Def't } In debt | Judg ^t for \$539.52 with int. from Apr. 23 rd 1871 till paid and \$6.26 Costs | \$151.50 Nov. 25 th 1871. |
| 1871 Aug 2-1 | " | " | 1871 Sept 1 st B. T. Shutz Agt for Theo. Rogan - H. L. & Junius Wierman of Lee Co. Va. Plff } Def't } In debt | Actual Judgment for \$114.22 \$90.61 with int. from Apr. 5 th 1871 till paid, and \$6.14 Costs | |
| 1870 Nov 24 th | " | " | Jan 28 th 1871 Thos J. Brown of Lee Co. Va. Plff } H. L. Wierman of Lee Co. Va. Def't } In debt | Judg ^t for \$102. with int. from Nov. 28 th 1866 till paid and 1/10 Costs \$6.51 | 13 th Sep 14 th 1869, \$1- June 27 th 1870. |

List of liens against the lands of Hiram
C Wiernman, ~~deceased~~ listed according to
their standing in point of priority, to wit

1. To Wm S Martin on account of the following
payments made by him to Cassius McCling
& Co, as security for said Wiernman, and in
which he was secured by deed of Trust
executed by said Wiernman July 20th 1874.

For amt paid by said Martin Nov 6th 1876. \$ 99.23

Interest thereon to April 1st 1877. \$ 14.27

" amt paid by said Martin Feb 18th 1878 77.00

Interest thereon to April 1st 1877. 5.15

" amt paid by said Martin Sept 5th 1878, 138.53

Interest thereon to April 1st 1877. 4.95

Total sum paid by said Martin & Interest \$ 243.78 314.56

*

2. To Catharine Ewing for ^{her} judgment
dated Nov 23rd 1873 & docketed Apr 22nd 1874.

Interest ^{from May 22nd 1853} after credits to April 1st 1877. 97.98

Costs at law. 7.00

Costs of Chancery suit now pending 30.00

Total due said Ewing & Interest \$ 134.98 74.63

3. To A.R. Durgener & Patrick Hagan for
deed of trust executed July 20th 1874.

Interest thereon to Apr 1st 1877. 190.12

Total sum due said Durgener & Hagan. \$ 190.12 675.00

| Amount Principal & Int. last forward. \$ | | \$ |
|---|----------|--------|
| 4. To Wm S Martin on account of payments made to C. L. Hamblen Admr of Wm S Ely deceased, as security of said Wierman, and secured by deed of trust. Nov 17th 1874. | | |
| Paid costs of suit September 21st 1874. | | 73.54 |
| Interest thereon to April 1st 1877. | \$ 19.97 | |
| Paid on said debt April 15th 1877. | | 100.00 |
| Interest thereon to April 1st 1877. | 11.75 | |
| To amt paid on said debt Jan'y 8th 1878. | | 125.00 |
| Interest thereon to April 1st 1877. | 9.20 | |
| To amt paid on said debt Feb' 4th 1878. | | 75.00 |
| Interest thereon to April 1st 1877. | 5.25 | |
| To amount paid on said debt Feb' 17th 1878. | | 113.15 |
| Interest thereon to April 1st 1877. | 7.53 | |
| Total amt due Martin on this claim Apr 1st 1877. | \$ 53.70 | 486.67 |

| | | |
|---|----------|-------|
| 5. To John W Johnston Summarior &c. for Judgt dated Sept 4th 1875 & docketed Sept 10th 1875, bal. of principal after credits. | | 64.75 |
| bal. interest to April 1st 1877. | 66.10 | |
| Costs at law on said Judgt | 7.00 | |
| Costs of chancery suit now pending | 25.00 | |
| Total sum due said Johnston Apr 1st 1877. | \$ 98.10 | 64.75 |

6. To Reese D Flanery for deed of Trust executed to James W Orr and assigned to said Flanery by James R Ely, dated - March 31st 1876.

| | |
|---|-------|
| and recorded April 1st 1876. Principal | 90.15 |
| Interest thereon & costs of deed to April 1/79. \$19.37 | |
| Total sum due said. H. L. L. Apr 1st 1879. \$19.37 | 90.15 |

| | |
|--|----------------|
| 7. To Jefferson Neff & Rebecca Brown Executors of the will of Thos J Brown decd, for Judgt dated Sept 6th 1878, with Int from Feb 25th 1872 - - & docketed Sept 7th 1878. | \$69.00 |
| B. Interest thereon to April 1st 1879. | 29.37 |
| Costs of suit | 7.60 |
| | <u>\$36.97</u> |
| | 69.00 |

| | |
|--|-------|
| 8. To Bales Ewing & Co for justices Judgt, ^{not docketed} dated Sept 30th 1872, Int from Decr 29th 1853, for | 10.88 |
| Interest thereon to April 1st 1879. | 16.43 |
| B. Costs of judgment | 1.00 |
| To Same for justices Judgt, not docketed, dated Sept 30th 1872, Int from Jan 7th 1857, for | 33.74 |
| Interest thereon to April 1st 1879. | 45.04 |
| Costs of judgment | 1.00 |
| Total sum due said Bales Ewing & Co Apr 1/79. \$63.47 | 44.59 |

| | |
|--|-------|
| 9. To Robert M Bales & Co for justices Judgt, not docketed, dated Sept 30th 1872, Int from Oct 12/60. | 11.61 |
| B. Interest thereon to April 1st 1879. | 12.88 |
| Costs of judgment | 1.00 |
| Total sum due said Bales & Co. Apr 1st 1879. \$13.88 | 11.61 |

10. To Robert M Bales & Co for justices Judgt not.

| | | |
|---|---------|-------|
| (Total Pr + Int. last forward) | \$ | |
| docketed, dated Sept 30th 1872, but from May 31/70, | | 21.57 |
| Interest thereon to April 1st 1879. | 11.43 | |
| Costs of Judgt | .70 | |
| Total due said Robert M. Bales & Co. Apr 1/79. | \$12.13 | 21.57 |

| | | |
|--|-------|-------|
| * 2. To Louisa McClung & Co for balance of their Judgt & for which Wm S Martin is security, but has not yet been paid, | | 98.23 |
| Interest Interest thereon to Apr 1st 1879. | 29.14 | |

| | | |
|--|--------|---------|
| No 11. For Estimated Costs of Chancery suit of Reese D. Flanery against H. C. Wieman et al, | | |
| the suit in which this account is taken, | 43.53 | |
| Total amount of principal. Apr 1st 1879. | \$ | 1950.78 |
| Total amt of Interest & Costs. Apr 1st 1879. | 719.76 | |

Reese D. Flanery

vs Est of liens.

H. C. Wieman et al

C

| | |
|--|----------|
| The amt allowed and stated in favor of Wm S Martin is subject to a credit as of April 1st 1879, of | \$515.68 |
| Leaving the bal due him | \$363.64 |

This Deed made this the 16th day of November
1874, between Hiram C. Wireman of the County
of Lee & State of Virginia of the one part; and
Mr. B. D. Lane, of the said County & State, Trustee
of the other part; Witnesseth that the said Hiram
C. Wireman for & in consideration of the sum of One
dollar to him in hand, the receipt whereof is hereby
acknowledged, as well as in consideration, that William
S. Martin, did become his surety in two notes executed
to Charles S. Hanklen as sheriff, for the rent of the said
Wireman's land, which was rented, on the day last
aforesaid, by the said Wireman, to discharge a debt
for which a decree had been rendered by the Circuit
of said County in favor of said Hanklen as sheriff,
of the State of Mr. S. E. Lee, against said Wireman,
one of said notes for Three hundred & eighty two dollars
& twenty six cents, payable two years after date, with
interest from the 21st of Sept 1874, the date thereof; and
the other note for Seventy three dollars & fifty four
cents, payable one year after date, & dated the
21st of September 1874, with interest from date;
Hath grant, sell & convey, unto the said Trustee, the
tract of land upon which I now reside, lying in
the western end of said County, upon which there is
a good mill, supposed to contain 333 acres, more or less,
with all of its appurtenances, and also all my personal
property, of every kind whatsoever, consisting of 1 set
of Cards, for Carding wool, mules by water, 2 Gray mares,

and one mule Colt, Eleven head Cattle, two Cows
& of one & two years old, 1 Saw & seven figs, 11 Sheds
1 old waggon, 1 Common set of blacksmith tools, farming
utensils, consisting of one Barshew, 3 one horse ploughs, &
house hold & kitchen furniture, consisting of nine Beds & bed
steads & necessary covers &c. for same, two old clocks, one
workstand, two Tables & table ware, 1 sewing machine
(Common) and several Cook vessels, & other kitchen
vessels, upon condition however, that the said Mineman
is to retain possession of said land, and all the
aforesaid personal property until such time, as it
shall become necessary to sell the same or any part
thereof, according to the stipulations hereinafter contained.

In trust nevertheless, if the said Mineman
Mineman shall well & truly pay the two several notes
herein before described, & the interest, on the same, promptly
as they fall due; and that he shall pay the expenses
of drawing up and recording this deed, then the
same shall be void; but if the said Mineman
fail to pay either of said ^{notes} as they become due
& payable, ^{when requested by either party, Mineman or Trustee,} then the said Trustee is to proceed to
sell at public sale, ^{at the Court House of said County, or such other place, as he may think best,} so much of said property
or any the said the said Mineman may have in lien
thereof, as will satisfy the said notes as they become due
^{payable} and the interest therein, & all legal expense &
attaching thereto, & five per cent to said Trustee, who
will be governed by the Law of the Code of 1860
in relation to Trustees. Witness the following

Signatures & seals, (Entered before signing)

J. C. Mineman *(Seal)*
M. B. D. Lane *(Seal)*

Virginia.

Lee County Court clerk's office. the 17th day of Nov 1874.
The foregoing Deed of trust between J. C. Mineman of the one part
and M. B. D. Lane Trustee of the other part, both of Lee County Va. was
this day acknowledged, before me by the said Mineman & Lane to
be their act and deed for the purposes therein mentioned and said
deed is admitted to record.

John James W. Orr. Clerk.

$$\begin{array}{r} 107.00 \\ 1.00 \\ \hline 82 \\ 333 \\ 300 \\ \hline 633 \end{array}$$

M. B. D. Lane Trustee re
 From Deed
 H. C. Weisman

Recorded in Deed Book
 No. 11. page 204.-5.
 John R. Gibson D.C.

\$1,25-

Nov 17th 1874.

$$\begin{array}{r} 382.00 \\ 19,920.00 \\ \hline 79,680.00 \end{array}$$

$$\begin{array}{r} 382 \\ 19 \\ \hline 461 \end{array}$$

!!!!

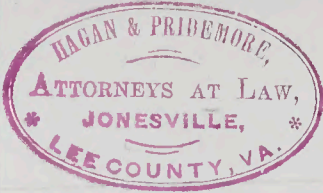
On Eely debt. - by Martin Apr 15/77 (24) \$100.00
 " Same June 8/78, 56 125.00
 " Same Feb 4/78 52 75.00
 " Same Feb 19/78 54 113.15
 " Same Sept 4/74 Int. for acct 413.15
 For all these had Martin has rec'd + set - - \$486.69

Leaman McBlung & Co Nov 6/76, L \$62.08
 " " " " " 36.79 1/2
 " Sept 5/78 Shff. 138.53
 " Feb 18/78 D.S. 77.00
 314.56 1/2

Total 801.25 1/2

See date of lien under which P Hagan purchased,
 Compared with other unsatisfied liens. His
 sale was the Penn debt.

Wierman Matters
Memorandum.



H. Baylor Bro.
 vs.
 William L. Creff et als. } In chm.

| | |
|--|-------------------------|
| Principal | 171. 72 |
| " " bearing interest | 165. 34 |
| Interest on this Sum & from | |
| 13 th Feb. 1874, to Aug. 5. 1878. 4 th 6 ^{mo} . 20 ^d . | \$44. 30 |
| on interest bearing principal | 6. 38 |
| | <u>\$216. 22</u> |
| Costs as taxed by the Clerk. | 26. 34 |
| | <u>\$242. 56</u> |
| Commission to Sheriff. | 12. 12 |
| | <u><u>\$254. 68</u></u> |

John W. Johnston. Servant.
 vs.
 W. L. Wrennan } In chm.

| | |
|--------------------------------------|------------------|
| Principal | \$108. 00 |
| " " bearing interest | 100 |
| Int on this Sum from Oct. 18. | |
| 1859, to Nov. 20 th 1862. | 18. 50 |
| | <u>\$118. 50</u> |
| Credit as of last date. | 50. 00 |
| Over. | <u>\$68. 50</u> |

brought forward - \$68.38
but on this sum from Nov. 20/62, to Aug. 5. 1878. 64.50

\$ 133.08

Principal not being int. 7.00

Chancery costs as taxed by clerk. 28.23

\$ 168.31

sheriff's commission 8.42.

\$ 176.73

Catharine. Peff. Peff.
do

} on due

Hiram C. Wineman sepl. }

Principal being interest due May 27/53. \$ 121.

Interest to Nov. 11. 1853. 3.02

124.02

Credit as of last date 50.00

64.02

Interest from last to Aug. 5. 1878 95.04

\$ 159.06

Credit not large enough to sink int. 13.00

\$ 146.06

Costs at law 7.58

153.64

Chancery costs as taxed by Clerk. 30.69

184.33

Sheriff's Com. 9.21

\$ 193.54

AYERS & ORR,

Attorneys at Law,

Will practice in Lee and adjoining counties in Virginia.
Special attention given to all business entrusted to their care.

Jonesville, Va., 187

| | | |
|-------|---|----|
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A CIRCULAR.

Fellow Citizens of Lee County:

Before me lay several papers which solicit me to become a candidate for Commonwealth's Attorney for the May election, 1879, which papers are signed by many of you. I hereby announce myself such candidate, pursuant to said call, and give my views upon the questions now agitating the public mind. I think that the people should know how *aspirants* to even the most *inferior office* of the country stand upon these questions. I am a Re-adjuster; and am one of those who are in favor of taking the *Animal* by the horns and forcing him into just measures. I am a Democrat; but oppose corruption in my own party the same as I do in those who see cause to oppose me, and serve no organization that does not have for its object the good of my country. I am not a hard money man, and am opposed to an increase of taxation until we can have a healthful increase of money.

Democracy is now undergoing her greatest ordeals. It should never be forgotten that popular institutions, however admirable in theory or beneficent in practice, are at all times exposed to danger. They bear no charmed life which can lift them above the laws of their condition. Democracy "is not born out of the sky, nor wrought in dreams," but is inevitably colored by the atmosphere in which it lives, and takes on the qualities with which it is mingled. It is an opportunity as well as a power. While decidedly acting upon society, and multiplying the sources of its own life, it is constantly acted upon by forces which disturb the free play and full sweep of its tendencies. It is always on probation, waiting for its complete ascendancy upon the advance of knowledge and virtue, the ministry of equal laws, and the "eternal vigilance" of the people. It may fitly be compared to the struggle for a higher life, in which the best men never reach those heights of goodness which lie beyond the reach of temptation. Under the most favored conditions, and in the most enlightened communities, it is only a grand experiment, an heroic endeavor of the people, a ceaseless conflict with ever recurring dangers, which involve the helping hand of every man who is willing to show his faith in free institutions by his works.

One of the most serious of these trials is the result of false relations between the people and the land. So intimate and vital are these relations in all countries that in the nomenclature of politics the words "people" and "land" are convertible terms. The laws regulating the ownership and disposition of landed property necessarily shape the institutions of the people. As the land-owners of the country are its masters, real democracy must have its roots in the soil. A government which allows the land to become the patrimony of a few cannot be free, since liberty and slavery are not more utterly repugnant to each other than are

popular institutions and the unrestricted monopoly of the soil. Such a government can be democratic in name only, and becomes, in fact, the most galling and fatal form of aristocratic rule. The American system of land grants to railroad corporations, which originated in 1850, has already surrendered a territorial empire of over two hundred million acres. The Indian Treaty system, fully inaugurated by Congress in 1861, has robbed poor settlers of great bodies of choice lands, and handed them over to monopolies and sharpers. Under the vicious legislation to which I have referred, only one person in fifteen, out side of the towns and cities, is the owner of a home in the land in the States of the South.

American Democracy is threatened with another formidable trial in the growth and domination of cities. I am far from saying that great cities are in themselves an evil. They are the necessary outgrowth of modern civilization. They supply the producers with a home market.

As great intellectual and commercial centers, they are the national handmaids of social and economic progress. They ought to be the national allies of Democracy; but I believe they are preparing for it an ordeal which will tax all the resources of the people to save it. In the city of New York a few years ago official thieves robbed the treasury. Officers were bought like merchandise. Legislatures were sold to the highest bidder. Courts were bribed by villains, who escaped justice through the power of their money. Great masses of men native and foreign, cursed by ignorance, poverty, and drink became the miserable tools of demagogues and gamblers, while opposing public parties were equally corrupt, and decent men were tempted to give up public affairs in disgust. The voice of the church if heard at all, was unheeded—No man's life, property, or reputation were safe, and nothing was sincerely believed in by the men who ruled the hour, but the beauty and blessedness of wealth.

But Democracy not only fails to govern the cities, but the cities govern the country; in several of the States they hold the balance of power. They hold it, and wield it in the nation. The same ignorant and brutalized horde which demagogues and thieves employ in the government of the cities is made to turn the scale in State and National contests.

A more immediately threatening danger to Democratic Government in America is the growing power of great corporations.

Democracy needs the quickening influence and constant support of equal laws. It demands common opportunities for the people. It can safely tolerate no privileged classes, and no legislative favoritism of any sort. If corporations are created they should be a clear public necessity or convenience, and never cease to be the servants of the people. With-

out these conditions they have no right to exist.

These are some of the dangers which cast their baleful shadow over the future, and summon the people to the work of reform. Speaking generally of what is wanted is a perfectly unshackled movement of the people—a fellowship of brave and faithful men in every section of the republic—against the new forms of aristocracy which the greed of sudden wealth and the agencies of modern society have created. There must be the substance, and not the form merely, of free institutions. The people must snatch freedom itself from the perilous activities quickened into life by its own spirit. They must search out new defences of Democracy in the new trials of its life. The grand work which has been committed to their keeping is not the highest development of favored individuals or classes, or the accumulation of great wealth in their hands, but the utmost enlightenment and supreme welfare of all. It is not the exceptional culture or commanding advantage of the few but the uplifting of the many to a higher level. This is at once the religion of humanity and the mission of Democracy. And it will be accomplished. It may be delayed for a season. It may be temporarily frustrated by the great and impending dangers I have mentioned. The blind greed of cupidity, trampling down the rights of the people, may even precipitate the country into revolution and violence, but in the end Democracy will be vindicated. All the divine forces are waiting to aid it. Christianity is pledged to its triumphs, and co-incident with its teachings. The principle of social evolution foreordains it. Democracy is to come in its fullness, sweeping away the conspiracies of wealth, and the subterfuges of monopoly, and enforcing "all rights for all;" but whether this shall be sooner or later, and whether heralded by the kindly agencies of peace or the harsh power of war, must depend upon the wise and timely use of opportunities. The result is certain, since justice cannot be finally defeated; but the circumstances of the struggle and the cost of the triumph are confided to the American people. They can help or hinder the grand march of human progress. They can smooth its pathway and speed its momentum, or fold their arms in slothful indifference, and thus hand it over to the un pitying logic of events. I believe they will not shrink from this solemn responsibility, and that while holding fast their faith in justice, in the night of the truth, in the certain victory of right or wrong, they will dedicate their lives anew to the grand tasks appointed for them as the servants of their kind.

These are my honest views. I am a native of your county and known to many of you. If I am your choice for Commonwealth's Attorney I will vindicate the law. I am your ob't. servant.

WM. A. ORR,
Jonesville, Lee county, Va.

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AYERS & ORR,

Attorneys at Law,

Will practice in Lee and adjoining counties in Virginia. Special attention given to all business entrusted to their care.

Gainesville, Va., 187

*Persons along
when arrested.*

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The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

WE COMMAND YOU TO SUMMON

*Hiram C. Newman, Jm A. Orr Trustee &c,
Patrick Hagan Trustee &c, Mr. B. D. Lane Trustee &c, A. L. Pridemore
Trustee &c, John W. Johnston Senr, of Humphreys & J. P. Campbell, and
unknown, R. M. Bales Senr, &c for the use of Catharine C. Curing,
J. H. Penn, B. F. Shultz, Agt. &c, Thos. J. Brown, and Percy Dickinson, Chas. J.
McClung, Frank H. McClung, James O. Cawson, Mathew H. Clung, Robert
W. Rhea & Jacob L. Thomas, merchants & partners, doing business under
the firm name & style of Cawson McClung & Co, Jm A. Orr, C. L. Hamblen
Senr, of the Estate of Thos. S. Ely decd, A. R. Luskewer, and Patrick Hagan in his own right.*

To appear before the Judge of the Circuit Court of Lee County, at the Court-House, in the Clerk's Office at

Rules next, to answer a bill in Chancery, exhibited in our said Court against

July
them by Reese D. Flanary

And have then there this writ. WITNESS, James W. Orr, Clerk of our said Court, at the Court-House, this 23rd

day of

May

, 1878, in the 103rd year of the Commonwealth.

R. W. Orr Jr. D. **CLERK.**

^{on}
Reese D. Flannery
vs 3 Spk. in Chy.

Wiram C. Wierman et al.

July Rules 1878.

Executed on all except
the non resident depts.
Thos. S. Ely S. L. C.

The Commonwealth of Virginia :

To the Sheriff of Lee

County---Greeting :

We command you to summon *Hiram L. Wierman*

to appear at the clerk's office of the ^{Circuit} county court of Lee, at the court-house, on the first Monday
in *November* next, being Rule day, to answer a bill in
chancery, exhibited in our said court against *him* by *Charles L. Hamblen*
Admr of

and unless *he* shall answer the said bill within one month thereafter, the same will be
taken for confessed, and the said court will decree accordingly. And have then this writ. Witness
JAS. W. ORR, Clerk of our said court, at the court-house, the *18th* day of
October 187*3*^{*98th*}, in the year of the Commonwealth.

James W. Orr. clerk.

LS/40
C. L. Hamilton Adm'r

25th 3/8
Spa in Chancery

H. B. Therman

November Rules 1873.

Executed by delivering
a true copy of
the same October
29 1873

J. A. Woodard D.S.
for C. L. Hamilton

The Commonwealth of Virginia,

To the SHERIFF of Lee County---Greeting;

We COMMAND You to Summon

Niram C. Wieman

to appear before the Judge of the Circuit Court of Lee County, at the Court-House, in
the Clerk's Office, at *July* Rules next, to answer a bill in Chancery,

exhibited in our said Court, against *by John W. Johnston Suror*
of himself and Joseph L. Campbell

And have then there this writ. Witness, James W. Orr, Clerk of our said Court, at
the Court-House, this *10th* day of *May* 1877, in the 10 / year of
the Commonwealth.

B. M. Orr Jr D. Clerk.

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John W. Johnston Sec.
 vs { Sha. in Chy.

Hiram C. Wieman

July Rules 1877

Exhibit

Thos S. Eggleston

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY--GREETING:

WE COMMAND YOU TO SUMMON *Heram & Wieman*

To appear before the Judge of our ^{Circuit} County Court of Lee County, at the Court House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in *June* next, to answer a bill in Chancery, exhibited in our said Court against *him* by *Catherine*
Owning

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court House, this *29th* day of *April* 187*4* in the *78th* year of the Commonwealth.

James W. Orr, Clerk.

(5)

21-6

Catherine Bwing

vs Alpha Du Chy

Hiram G. Wierman

June Rules 1844

Executed.

Thos S. Ely, D.S.

for C. L. Hamblen, D.L.

I Heroby Certify

That, a Chancery Order in the Circuit Court of
Lee County, of which the annexed is a copy,
was printed four successive weeks in the "Lee County
Sentinel," a weekly newspaper published in the town of
Jonesville, County of Lee, State of Virginia. Publication
ending this, 20 day of June 1878.

Charles McLaughlin

Publisher "Sentinel."

VIRGINIA:—In the Clerk's office of the
Circuit court of Lee county, on the 27th
day of May 1878.

Reese D. Flanery, Plaintiff.

H. C. Wiernan and others, Defendants.

IN CHANCERY.

The object of this suit is to obtain a decree
to ascertain the liens against the defendant H.
C. Wiernan's real estate, prior to the plain-
tiffs, and sell the said real estate, subject to
the liens thereon. And it appearing from an
affidavit filed in the cause, that the defen-
dants, M. B. D. Lane, T. H. Penn, B. F.
Shultz, Perez, Dickinson, Charles J. McClung,
Frank H. McClung, James D. Cowan, Mat-
thew McClung, Robert M. Rea and Jacob L.
Thomas are non-residents of the State of Vir-
ginia. It is therefore ordered that they ap-
pear here within one month after due publi-
cation of this order, and do what is necessary
to protect their interests in this suit.

A copy Teste—JAMES W. ORR, Clerk.

may 31st, 4w g5.

Publisher's Certificate.

CASE OF

Russ & Flann

vs.

H. C. Warran & Co

in Chancery.

P. Q.

Standing No. 286

-IN-

LEE CIRCUIT COURT.

| Plffs ATTY. | | Def'ts ATTY. |
|----------------|----------------------|-----------------|
| <i>W.P.</i> | <i>Erving Arthur</i> | <i>W.P.</i> |
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| | <i>H. C. Nierman</i> | |
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| Total \$ | | \$ |

Reference Docket... Page 20 Line 27

1st calling Term 188

Decided March Term 1884

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